



CALIFORNIA
DEPARTMENT OF
EDUCATION

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JACK O'CONNELL

State Superintendent of
Public Instruction

PHONE: (916) 319-0800

January 2005

Dear Charter School Administrators and Authorizers:

The *Eliezer Williams, et al. v. State of California, et al. (Williams)* case was filed as a class action suit in San Francisco in 2000. It alleged that public school students were not provided with equal access to instructional materials, safe and decent school facilities, and qualified teachers. The case was settled in 2004, and the settlement is being implemented through legislation adopted in August 2004. The settlement legislation provides for \$138 million for the purchase of standards-aligned instructional materials, based upon the number of students in decile 1 and 2 schools (determined by the 2003 API base). In addition, funds are available for the completion of facility inventories. The implementing legislation also provides funding to county offices of education to conduct over-sight activities based upon the number of students in deciles one through three schools (also determined by the 2003 API base).

Charter public schools have the option to receive funding provided pursuant to the *Williams* implementing legislation. However, despite their unique status, charter schools that accept the *Williams* funds will be required to spend the funds as required by the statutes, and they will be subject to oversight and reporting requirements related to the funding. Details about the *Williams* settlement, the duties, responsibilities and the resources are available on the California Department of Education (CDE) Web site at <http://www.cde.ca.gov/eo/ec/wc/index.asp>.

Charter schools are strongly encouraged to comprehensively review all requirements in statute, *Chapters 899-903, Statutes of 2004*, governing the *Williams* settlement before deciding to opt in to the funding and responsibilities. The following questions and answers are intended to provide some summary information regarding charter school participation in the settlement; however, it is important that charter schools take the time to review the statutes and the CDE Web site in order to gain a complete understanding of the requirements of the settlement.

- 1. Is a charter public school required to participate in the *Williams* settlement?** No, charter schools that are listed on the Web site as being designated in deciles 1-3 may choose by February 8, 2005, to opt in. However, it is an all or nothing proposition. If a charter school opts in, it is bound by the *Education Code* provisions that underlie the *Williams* settlement, including but not limited to, requirements to:

- Purchase State Board of Education adopted instructional materials in the four core subject areas for every student per the *Williams* settlement.
 - Produce an updated School Accountability Report Card (SARC) addressing the students' access to state adopted instructional materials.
 - Undertake and report on a thorough facilities review.
 - Allow the county office of education to conduct an audit of instructional materials and facilities maintenance.
2. **How do we know if a charter school is eligible to participate?** Eligible charter schools on the list, ranked in deciles 1-3, can be found on the CDE *Williams* settlement Web site at <http://www.cde.ca.gov/eo/ce/wc/ap/williams04a.asp>.
3. **Will this money be available every year?** At this time, no. The \$138 million in instructional materials funding is one-time money. The same is true of funds appropriated for the facilities needs assessment program. Future funding will be at the discretion of the Legislature and the Governor. However, the oversight and reporting are ongoing.
4. **Is there a difference between direct funded and locally funded charter schools regarding choice of participation?** No, in both cases it is the decision of the charter school.
5. **Are schools chartered by the State Board of Education treated any differently than charter schools authorized by districts and county offices of education?** No. All charter schools, including SBE authorized charter schools, must inform the CDE no later than February 8, 2005, of their desire to "opt in" to the *Williams* settlement.
6. **Are all charter schools eligible for facilities funding?** No, funds for the school facilities needs assessment are available only to those schools designated in deciles 1-3, and then pursuant to regulations being developed by Office of Public School Construction (OPSC). OPSC may be contacted directly at (916) 449-3160. Indications at this time are that only those charter schools in publicly owned facilities will be eligible. Instructional materials funds are distributed based upon the number of students in deciles 1 and 2.
7. **Will there still be money after the initial apportionment to school districts has gone out?** Yes, monies are being set aside for charter schools that have opted in by **February 8, 2005**. It is imperative that charter schools recognize the importance of making their decision to "opt in" no later than

February 8, 2005, in order to qualify for funding under the *Williams* settlement.

- 8. How does a charter school opt in?** Charter schools choosing to participate must complete and submit to CDE Attachment 1 by **February 8, 2005**.
- 9. Does a charter school have to submit anything to opt “out”?** No, only to opt “in.” If a charter school does nothing, it will not be included in the *Williams* settlement.

If you have any questions, please contact Deborah Connelly, Consultant, Charter Schools Division, at (916) 323-2694 or dconnell@cde.ca.gov.

Sincerely,

Marta Reyes, Director
Charter Schools Division

MR
Attachment

**Attachment 1
Williams Settlement
Charter School "Opt In" Form**

Charter School Name: _____ **CDS Code:** _____

Contact Person: _____

2003 Decile 1 2 3
Circle the appropriate decile above

School Address: _____

____ Our charter school is choosing to accept funding provided by the Williams settlement legislation and to be bound to the related requirements of that legislation.

I understand and agree that by choosing to accept funding provided by the *Williams* settlement legislation my school is bound by all related requirements contained therein. I have read and understand the requirements of the legislation implementing the *Williams* Settlement Agreement.

Signature of Charter School Administrator

Date

Please return this form by February 8, 2005, to:

**Julie Klein, Staff Services Manager
School Fiscal Services Division
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814
(916) 327-4873**